HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27718 of 2007
and
WRIT PETITION No.27731 of 2007

Date: December 26, 2007

WRIT PETITION No.27718 of 2007

Between:
Sri Surya Gangadhara Agro Farms,
Kondakavur village, Narasaraopet Mandal,
Guntur District, rep. by its Managing
Partner Mullapudi Srinivas. … Petitioner

And

1. The District Collector,
Guntur District at Guntur
and 3 others. … Respondents

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COMMON ORDER:

The petitioner in both the writ petitions is one and the same. W.P.No.27718 of 2007 has been filed aggrieved by the action of the

Revenue Divisional Officer, Narasaraopet Division in not passing stay orders in the appeal filed against the orders passed by the Tahsildar, Narasaraopet Mandal in Rc.No.1068/2006-A/K.Kavur/2, dated 31.3.2007 resuming the lands an extent of Ac.66.51 cents situated in Kondakavur village, Narasaraopet Mandal on the ground that the said land was assigned in favour of Devalla Venkateswarlu and 69 others of Pamidimarru, hamlet of Kondakavur village in survey Nos.20 DB, 4A, 4B, 4C, 4E and 55/83 and the said landless poor persons transferred their possession in contravention of sub-Section (1) of Section 3 of A.P. Assigned Lands (prohibition of transfer) Act, 1977 and accordingly after issuing notice orders have been passed under Section 4-A of the Act.

2. In the second writ petition W.P.No.27731 of 2007 the petitioner questions the inaction on the part of the Revenue Divisional Officer, Narasaraopet Division, in not passing orders on the appeal as well as stay application filed against the orders of the Tahsildar, Narasaraopet Mandal in Rc.No.1068/2006-A/Kakani/45, dated 03.4.2007 on the ground that Ac.86-75 cents was assigned in favour of petitioner Jasti Narasaiah and others, residents of Kakani village, Narasaraopet Mandal in survey Nos.286/2, 286/3, 288, 283 of Kakani village and the said landless poor transferred their possession in favour of the petitioner in contravention of sub-Section (1) of Section 3 of the A.P. Assigned Lands (prohibition of transfer) Act.

3. It is stated that the petitioner filed appeals against the said orders in May and June 2007 respectively and the appeals are pending. In view of much extents of lands assigned to landless poor for agricultural purpose and the fact that the said lands said to have been converted into fish ponds, *prima facie* goes to show violation of sub-Section (1) of Section 3 of A.P. Assigned Lands (prohibition of transfer) Act. However, it is for the appellate authority to consider and dispose of if any appeals are pending.

4. Having regard to the facts of the case, the writ petitions are disposed of directing the second respondent to consider the appeals if any are pending filed against the orders passed by the Tahsildar, Narasaraopet Mandal, dated 31.3.2007 and 03.4.2007 within the statutory period, and pending disposal of the appeals *status quo* obtaining as on today shall be maintained. No costs.

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(V. ESWARAIAH, J)

Date: December 26, 2007.

BSB